

FORM PTO-1390 (Modified) (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>208858US0PCT</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES</b> <b>DESIGNATED/ELECTED OFFICE (DQ/EO/US)</b> <b>CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <b>09/831888</b>
INTERNATIONAL APPLICATION NO. <b>PCT/EP99/09002</b>	INTERNATIONAL FILING DATE <b>23 November 1999</b>	PRIORITY DATE CLAIMED <b>25 November 1998 (earliest)</b>		
<b>TITLE OF INVENTION</b> <b>PRESSURISED METERED DOSE INHALERS (MDI)</b>				
<b>APPLICANT(S) FOR DO/EO/US</b> <b>LEWIS David et al.</b>				
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> <li>11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol> <p><b>Items 13 to 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>22. <input type="checkbox"/> Certificate of Mailing by Express Mail</li> <li>23. <input checked="" type="checkbox"/> Other items or information:  Notice for Consideration of Documents Cited in International Search Report Notice of Priority</li> </ol>				

23 MAY 2001

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <b>09/831888</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP99/09002</b>	ATTORNEY'S DOCKET NUMBER <b>208858US0PCT</b>																
24. The following fees are submitted:																		
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</b> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"><input type="checkbox"/></td> <td style="width: 80%;">Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....</td> <td style="width: 10%; text-align: right;"><b>\$1000.00</b></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....</td> <td style="text-align: right;"><b>\$860.00</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....</td> <td style="text-align: right;"><b>\$710.00</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....</td> <td style="text-align: right;"><b>\$690.00</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....</td> <td style="text-align: right;"><b>\$100.00</b></td> </tr> </table>			<input type="checkbox"/>	Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....	<b>\$1000.00</b>	<input checked="" type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....	<b>\$860.00</b>	<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	<b>\$710.00</b>	<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....	<b>\$690.00</b>	<input type="checkbox"/>	International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....	<b>\$100.00</b>	
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<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> <b>\$860.00</b>																		
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)). <b>\$130.00</b>																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">CLAIMS</th> <th style="width: 25%;">NUMBER FILED</th> <th style="width: 25%;">NUMBER EXTRA</th> <th style="width: 25%;">RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>- 20 =</td> <td>0</td> <td>x \$18.00 <b>\$0.00</b></td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td>0</td> <td>x \$80.00 <b>\$0.00</b></td> </tr> <tr> <td colspan="2">Multiple Dependent Claims (check if applicable).</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: right;"><b>\$0.00</b></td> </tr> </tbody> </table>			CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	- 20 =	0	x \$18.00 <b>\$0.00</b>	Independent claims	- 3 =	0	x \$80.00 <b>\$0.00</b>	Multiple Dependent Claims (check if applicable).		<input type="checkbox"/>	<b>\$0.00</b>
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Multiple Dependent Claims (check if applicable).		<input type="checkbox"/>	<b>\$0.00</b>															
<b>TOTAL OF ABOVE CALCULATIONS =</b> <b>\$990.00</b>																		
<input type="checkbox"/> Applicant claims small entity status. (See 37 CFR 1.27). The fees indicated above are reduced by 1/2. <b>\$0.00</b>																		
<b>SUBTOTAL =</b> <b>\$990.00</b>																		
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). <b>\$0.00</b>																		
<b>TOTAL NATIONAL FEE =</b> <b>\$990.00</b>																		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <b>\$0.00</b>																		
<b>TOTAL FEES ENCLOSED =</b> <b>\$990.00</b>																		
		Amount to be: refunded <b>\$</b> charged <b>\$</b>																
a. <input checked="" type="checkbox"/> A check in the amount of <b>\$990.00</b> to cover the above fees is enclosed.																		
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.																		
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>15-0030</b> A duplicate copy of this sheet is enclosed.																		
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.																		
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>																		
SEND ALL CORRESPONDENCE TO:																		
																		
<b>22850</b>																		
<b>Surinder Sachar</b>																		
<b>Registration No. 34,423</b>																		
<i>Surinder Sachar</i>																		
<b>SIGNATURE</b>																		
<b>Norman F. Oblon</b>																		
<b>NAME</b>																		
<b>24,618</b>																		
<b>REGISTRATION NUMBER</b>																		
<b>May 23 2001</b>																		
<b>DATE</b>																		

DOCKET NO.: 208858US0PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: LEWIS David et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HEREWITH

INTERNATIONAL APPLICATION NO.: PCT/EP99/09002

INTERNATIONAL FILING DATE: November 23, 1999

FOR: PRESSURISED METERED DOSE INHALERS (MDI)

**REQUEST FOR CONSIDERATION OF DOCUMENTS  
CITED IN INTERNATIONAL SEARCH REPORT**

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Norman F. Oblon  
Attorney of Record  
Registration No. 24,618  
Surinder Sachar  
Registration No. 34,423



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